

SN:09/758,790

Q4

representative seed of which have been deposited under ATCC Accession No. PTA-4435.

Q5

14. (Amended) An inbred maize plant, or parts thereof, wherein said inbred maize plant was developed by a cross of the maize plant of claim 2 with a second maize plant, growing a progeny seed obtained from said cross, and repeating the steps of selfing and growing each subsequent generation to obtain said inbred maize plant.

Q6

16. (Amended) The method of claim 15 wherein plant breeding techniques are selected from the group consisting of: recurrent selection, backcrossing, pedigree breeding, restriction fragment length polymorphism enhanced selection, genetic marker enhanced selection, and transformation.

Q7

19. (Amended) The single gene conversion maize plant of claim 18, wherein the gene is a dominant allele.

20. (Amended) The single gene conversion maize plant of claim 18, wherein the gene is a recessive allele.

21. (Amended) A maize plant, or parts thereof, having all the physiological and morphological characteristics of inbred line PH5WB, representative seed of said line having been deposited under ATCC accession No. PTA-4435.

Q8

22. (Amended) The maize plant of claim 21 further comprising a genetic factor conferring male sterility.

24. (Amended) A tissue culture according to claim 23, cells or protoplasts of the tissue culture being from a tissue selected from the group consisting of leaves, pollen, embryos, roots, root tips, anthers, silks, flowers, kernels, ears, cobs, husks, and stalks.

25. (Amended) A maize plant regenerated from the tissue culture of claim 23, capable of expressing all the morphological and physiological characteristics of inbred line PH5WB, representative seed of which have been deposited under ATCC Accession No. PTA - 4435.

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*Q 9*

35. (Amended) The method of claim 34 wherein plant breeding techniques are selected from the group consisting of: recurrent selection, backcrossing, pedigree breeding, restriction fragment length polymorphism enhanced selection, genetic marker enhanced selection, and transformation.

*B*

37. (Amended) A process for producing inbred PH5WB, representative seed of which have been deposited under ATCC Accession No. PTA - 4435, comprising:

*Q 10*

*Sub B 3*

- (a) planting a collection of seed comprising seed of a hybrid, one of whose parents is inbred PH5WB said collection also comprising seed of said inbred;
- (b) growing plants from said collection of seed;
- (c) identifying said inbred PH5WB plants;
- (d) selecting said inbred PH5WB plant; and
- (e) controlling pollination in a manner which preserves the homozygosity of said inbred PH5WB plant.

40. (Amended) A method for producing a PH5WB-derived maize plant, comprising:

- (a) crossing inbred maize line PH5WB, representative seed of said line having been deposited under ATCC Accession No. PTA - 4435, with a second maize plant to yield progeny maize seed;
- (b) growing said progeny maize seed, under plant growth conditions, to yield said PH5WB-derived maize plant.

*Q 11*

41. (Amended) A PH5WB-derived maize plant, or parts thereof, produced by the method of claim 40.

42. (Amended) The method of claim 40, further comprising:

*Sub B 3*

- (c) crossing said PH5WB-derived maize plant with itself to yield additional PH5WB-derived progeny maize seed;
- (d) growing said progeny maize seed of step (c) under plant growth conditions, to yield additional PH5WB-derived maize plants;
- (e) repeating the crossing and growing steps of (c) and (d) to generate further PH5WB-derived maize plants.

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*Q 61 Sub B?*

43. (Amended) The further PH5WB-derived maize plants, or parts thereof, produced by the method of claim 42.

*Q 12 B*

48. (Amended) The single gene conversion maize plant of claim 47, wherein the gene is a dominant allele.

49. (Amended) The single gene conversion maize plant of claim 47, wherein the gene is a recessive allele.

#### REMARKS

In the Office Action dated March 12, 2002 the Examiner states that "Claims 1, 6, 21, 25, 37, and 40 are objected to for their inclusion of blanks '\_\_\_\_\_'. It is assumed that the blanks will be replaced by the ATCC deposit accession number." Claims 1, 6, 21, 25, 37, and 40 have been so amended by deleting the blank spaces and inserting the ATCC deposit number. The specification has also been amended to include the terms of the deposit for PH5WB. A copy of the ATCC deposit receipt is included in this response. These actions obviate the objection and place claims 1, 6, 21, 25, 37, and 40 in condition for allowance.

The Examiner states that, "Claims 3 and 22 are indefinite in their recitation of 'wherein the plant is male sterile' ..... Replacement of the phrase with --further comprising a genetic factor conferring male sterility-- would obviate this rejection." Claims 3 and 22 have been so amended and thus claims 3 and 22 are now in condition for allowance.

The Examiner states that, "Claims 5 and 24 are indefinite in their recitation of the 'the...protoplasts' which lacks antecedent basis in the claims from which they depend. Deletion of 'the' before 'cells' in line 1, and insertion of --of the tissue culture-- after 'protoplasts' in line 1, would obviate this rejection." Claims 5 and 24 have been amended as suggested and are now in condition for allowance.

The Examiner states that, "Claims 14, 33, 41, 45 and 46 are indefinite in their recitation of 'high', 'fast', 'above average', 'late' and 'adapted' which are unduly narrative and so fail to clearly characterize the degree of expression of the claimed trait or the claimed maize plant exhibiting the trait." Claims 14 and 41 have been amended and no